

May 26, 1936

Mr. Henry Heiner,
Burnt Fork, Wyoming.

Dear Sir:

REL: BURNT FORK DISTR.

I have your letter of May 7 in which you state: (a) that you have at last succeeded in raising money sufficient to pay Owen Bullock for his services as Water Commissioner on Henry's Fork and Burnt Fork, - interstate streams, for the season of 1935, (b) that you would like his appointment as Commissioner for the same work for the season of 1936 since all of the ditches on the Utah side are running full and none have been permitted to flow over the line into Wyoming, (c) that you, as an association, knew nothing of the Jensen affair until after it was all over, thus absolving you from any liability for the expense involved and (d) that you are all taxpayers, trying to be decent American citizens and therefore feel that you should receive a little protection in the matter of distribution of water.

Now that you have paid the distribution cost incident to the salary and expense of a Water Commissioner for 1935, there yet remains the Jensen trial expense to be taken care of and a request made to the State Engineer, and signed by a majority of the Utah water users, asking for the appointment of Mr. Bullock or some other man as Commissioner, with a statement to the effect that you will bear the costs thereof without recourse to the State Engineer's office, following which a Commissioner will be appointed.

You make a point of the fact that the association, as such, presumably was not advised of the arrest of Mr. Jensen. That may be true. I doubt, however, if there was a man in that vicinity that did not know of the affair before it happened, except Mr. Jensen, and all were parties to the procedure.

You are no doubt decent American citizens and paying your taxes, as all of us are trying to do, and thus entitled to protection. But the payment of the taxes referred to is not for the distribution of water and cannot be construed as meant for payment for such service.

Before any successful and just distribution of water can be made on the streams referred to; Mr. Jensen and others of his ilk, must be made to realize that they will be required, under penalty of punishment, to observe the laws with respect to distribution of water by a Commissioner according to the rights involved. Until this will have been ac-

Mr. Henry Helmer, 5/26/36

Page 2.

completed you never can successfully distribute the water referred to. It will cost money to bring Mr. Jensen or any succeeding offenders to trial which, except that required to pay for services and expenses of engineers from this office and for the services of the Attorney-General, must be paid by your water users. Appropriations for this purpose by the Legislature have not otherwise been provided. The sooner, therefore, that your water users recognize the facts, as stated, and set their minds as a whole to pursue this Jensen matter to a final conclusion, the sooner the most vexatious problems of your distribution will have been settled.

I have been sympathetic and have done all in my power to assist your people in the distribution of water on these interstate streams and within the last three years have sent engineers to your section, at the expense of \$100, to assist with the distribution of the waters on Smith's Fork, Henry's Fork and Burnt Fork creeks. Moreover I have secured from the TERRA funds to be matched with a like and similar amount from Wyoming with which to adjudicate the rights. This effort, however, came to naught by reason of the fact that the State Engineer of Wyoming failed, or did not succeed, in carrying out the part of the agreement which you pledged in the first instance.

If I can do more, or be of any further assistance to you, please advise.

Yours very truly,

T. H. Humphreys
STATE ENGINEER

1/5

CC: Mr. Wm. McGinnis

M. B. Since receipt of your letter referred to, Mr. McGinnis of Burnt Fork called by telephone inquiring about the same matter herein referred to; also stating that Mr. Jensen was cutting ditches and using water much the same as in the past, without regard to rights. This will further emphasize my statements heretofore made.

T.H.H.